



Order Filed on May 5, 2020
by Clerk,
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

FRANK THEATRES BAYONNE/SOUTH
COVE, LLC, *et al.*,¹

Debtors.

Chapter 11

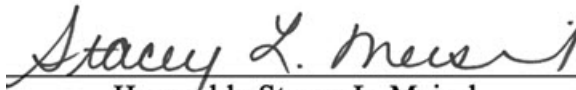
Case No. 18-34808 (SLM)

(Jointly Administered)

**ORDER GRANTING LIQUIDATING TRUST'S FOURTH
OMNIBUS OBJECTION TO CLAIMS SEEKING TO
DISALLOW AND EXPUNGE CERTAIN NO LIABILITY CLAIMS**

The relief set forth on the following pages, number two (2) through and including four (4), is hereby **ORDERED**:

DATED: May 5, 2020


Honorable Stacey L. Meisel
United States Bankruptcy Judge

¹ The Post-Confirmation Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Frank Theatres Bayonne/South Cove, LLC (3162); Frank All Star Theatres, LLC (0420); Frank Theatres Kingsport LLC (5083); Frank Theatres Montgomeryville, LLC (0692); Frank Theatres Rio, LLC (1591); Frank Theatres Towne, LLC (1528); Frank Theatres Mt. Airy, LLC (7429); Frank Theatres Sanford, LLC (7475); Frank Theatres Shallotte, LLC (7548); Revolutions at City Place LLC (6048); Revolutions of Saucon Valley LLC (1135); Frank Entertainment Rock Hill LLC (0753); Frank Entertainment PSL, LLC (7033); Frank Hospitality Saucon Valley LLC (8570); and Galleria Cinema, LLC (2529).

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Debtors: Frank Theatres Bayonne/South Cove, LLC, *et al.*

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Caption: Order Granting Liquidating Trust's Fourth Omnibus Objection to Claims Seeking to Disallow and Expunge Certain No Liability Claims

Upon the fourth omnibus objection (the “Omnibus Objection”)² of the Liquidating Trust in the above-captioned Chapter 11 Cases seeking entry of an order, pursuant to sections 105(a) and 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rules 3007-1, disallowing and expunging each of the claims set forth on **Schedule 1** hereto because each such claim was filed with no supporting documentation and/or the asserted Debtor has no record of liability in its books and records for this claim; and the Court having jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of the Omnibus Objection being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that proper and adequate notice of the Omnibus Objection has been given and that no other or further notice is necessary; and upon the record herein; and the Court having determined that the relief sought by the Omnibus Objection is in the best interests of the Liquidating Trust, the estates, and creditors; and after due deliberation and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Omnibus Objection is GRANTED as set forth herein.
2. The No Liability Claims listed on **Schedule 1** to this Order are disallowed and expunged in their entirety.
3. The rights of the Liquidating Trust to object in the future to any of the claims that are the subject of the Omnibus Objection on any grounds, and to amend, modify, and/or

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Omnibus Objection.

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supplement the Omnibus Objection, including, without limitation, to object to amended or newly filed claims is hereby reserved. Without limiting the generality of the foregoing, the Liquidating Trust specifically reserves the right to amend the Omnibus Objection, file additional papers in support of the Omnibus Objection, or take any other appropriate actions, including to (a) respond to any allegation or defense that may be raised in a response filed in accordance with the Omnibus Objection by or on behalf of any of the claimants or other interested parties; (b) object further to any No Liability Claim for which a claimant provides (or attempts to provide) additional documentation or substantiation; and (c) objection further to any No Liability Claim based on additional information that may be discovered upon further review by the Liquidating Trust or through discovery pursuant to the applicable provisions of the Bankruptcy Rules.

¶ For the avoidance of doubt, nothing in the Omnibus Objection or this Order shall be deemed or construed to (a) constitute an admission as to the validity or priority of any claim against the Liquidating Trust, (b) an implication or admission that any particular claim is of a type specified or defined in this Order or the Omnibus Objection, and/or (c) constitute a waiver of the Liquidating Trust's rights to dispute any claim on any grounds.

¶ The Liquidating Trust, its claims and noticing agent (Prime Clerk LLC), and the Clerk of this Court are authorized to take any and all actions that are necessary or appropriate to give effect to this Order.

¶ The objection to each claim addressed in the Omnibus Objection and as set forth on **Schedule 1** attached hereto, constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each claim

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that is the subject of the Omnibus Objection and this Order. Any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall only apply to the contested matter that involves such claimant and shall not stay the applicability and/or finality of this Order with respect to any other contested matters addressed in the Omnibus Objection and this Order.

7. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Omnibus Objection or otherwise waived.

8. Notwithstanding any applicability of any of the Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

9. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

FRANK THEATRES BAYONNE/SOUTH COVE, LLC, et al.

**No Liability Claims
Schedule I**

*THE BASIS FOR PROPOSED DISALLOWANCE IS FURTHER
DISCUSSED IN PARAGRAPH 23 OF THE OBJECTION*

Name of Claimant	Claim Number	Claim Amount	Reason for Disallowance
Alicia Smieciniski 176 SE Norfolk Blvd Stuart, FL 34997	158	Unliquidated	Claim has no basis in the Debtors' books and records and lacks sufficient documentation from which to determine whether any liability exists.
Hank Hoffman Assistant Vice President Hartford Fire Insurance Company Bankruptcy Unit, HO2-R, Home Office One Hartford Plaza Hartford, CT 06155 The Hartford PO Box 660916 Dallas, TX 75266	161	Unliquidated	Claim has no basis in the Debtors' books and records and lacks sufficient documentation from which to determine whether any liability exists.